



Public Interest Research Group in Michigan

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Dear members of the Michigan House Transportation Committee,

Thank you for your invitation to provide testimony to the Committee for today's public hearing on red light cameras.

My name is Meghan Hess, and I am an advocate with the Public Interest Research Group in Michigan. PIRGIM is a non-profit and non-partisan organization formed to advance the public interest, supported by thousands of citizen members across the state.

Almost five years ago, Attorney General Mike Cox ruled that traffic citations cannot be issued against citizens based solely on photographs from unmanned monitoring devices. In the meantime, automated traffic ticketing has spread to almost 700 jurisdictions around the country, creating growing controversy and a backlash of states and communities passing rules banning or limiting the use of red-light and speed camera ticketing.

PIRGIM, along with our national affiliate, the U.S. Public Interest Research Group, have been concerned by many of the red-light ticketing practices around the country. We articulated those concerns in a report titled "Caution: Red Light Cameras Ahead- The Risks of Privatizing Traffic Law Enforcement and How to Protect the Public." We also spelled out what we believe it would take to protect the public if red-light cameras were to be introduced.

These protections for the public are what I'd like to speak about today. Some opponents of red-light cameras may not like that we would even talk about the possibility of their existence in Michigan. Some red-light camera vendors may find our requirements for protecting the public too challenging for their business model. So be it. Our concern is not to advance or impede the red-light camera industry. It is to protect the public in case the practice is introduced in Michigan. The initial rules that would be set down would undoubtedly have a lasting effect on how the industry would be regulated here and what kinds of contracts would be permissible. Unfortunately, new kinds of contracting regimes often tend to be negotiated behind closed doors with well-heeled lobbyists plying their

favorite legislative examples from other states. We want to be ahead of that curve here in Michigan.

The analysis below discusses four types of public protections that we believe should be included at a minimum in any enabling legislation for red-light camera programs.

(1) Michigan cities should put safety first in enforcing traffic laws. Fortunately, data from police accident records and traffic engineering studies make it relatively straightforward to put this principle into practice by addressing some basic questions:

- ***Where does a problem really exist?*** Red-light cameras should only be placed at an intersection where authorities have documented a history of injuries from red-light running. A lack of a clear and data-driven practice for screening applications makes decisions inherently arbitrary. Without criteria it is also impossible for the public to challenge the basis or implementation of these decisions, or for outside experts to recommend improvements.
- ***Are there alternative solutions?*** Before installing camera ticketing at an intersection, authorities should certify that they have already attempted alternative methods to reduce red-light-running injuries through traffic engineering that have failed to address the problem. The Federal Highway Administration (FHWA) recommends this protocol in its guidance stating that, "Cameras should be considered/installed only after engineering solutions have been proven ineffective where there is a red-light-running problem." Traffic engineering solutions include, for instance, lengthening the yellow-light interval, removing visual obstructions to the traffic signal, or improving signage. Many of these remedies are also substantially cheaper than ongoing outlays to a red-light camera company.
- ***Does it focus on the problem?*** Any camera ticketing should focus on deterring the type of red-light running that has caused injuries at that particular intersection. Otherwise, we may judge a traffic camera as being inappropriately used as a revenue generator rather than a safety enhancement. This would be the case, for instance, if the city disproportionately issues tickets for right-turn-on-red violations at an intersection where right turns have not been a major cause of injuries.
- ***Is it effective?*** Once created, programs should come under regular review to assess whether red-light cameras are reducing injuries and fatalities. The evaluation should be made without regard to the amount of revenue that cameras generate.

(2) Red-light camera contracts must not create additional incentives to issue more tickets. People respond to financial incentives. Therefore legislation should forbid contract incentives for vendors that are based directly or indirectly on the volume of

tickets or fines. Rewarding contractors for placing more fines on drivers will lead to practices that undermine public confidence in the program. Loss of public trust is not only bad for civic virtue. It may also further undermine public compliance with traffic laws. Compliance with laws ultimately depends at least as much on broad beliefs about their fairness and usefulness, rather than mere calculations about the likelihood of receiving a fine.

(3) Public officials should retain control over transportation policy decisions, including the ability to withdraw from a contract early if dissatisfied with the service or its effects. Public control of red-light ticketing has been seriously compromised in other states where companies have issued lawsuits or when contract terms enable companies to levy financial penalties on municipalities if too few tickets are issued.

For instance, the camera vendor American Traffic Solution earlier this fall announced a law suit against Knoxville, Tennessee because the city no longer issues citations to drivers that do not come to a full stop on right turns. Reductions in company revenues should not be a reason to change public traffic policies.

(4) Extraordinary transparency and opportunities for public input should prevail when private contractors are enlisted to make decisions about law enforcement. Contractors' decisions and rewards must be open to public scrutiny with ample opportunity for empowered public participation.

Online public access is crucial to ensure that the outcomes of camera ticketing contracts are fully transparent. Camera vendors should print the website with this information prominently on every ticket. We recommend that, if red-light cameras are installed in Michigan, a regularly updated public website should list the following information for each intersection with a red-light camera: the number and type of citations, the number of rejected citations of each type, the number of fines, and the amount of fine revenue going to the city, state and vendor. The websites should also detail the criteria the company uses to decide which automobiles will receive infractions. Contractors already track this information. Citizens should be empowered to scrutinize the outcomes online and to pose questions based on the data in public hearings to review the program.

Another positive transparency feature would be a requirement to clearly post signs announcing to drivers the use of red-light cameras ahead. Proper signage can increase safety by reducing the amount of red-light running and potential accidents from drivers who slam on the brakes at intersections when they see cameras. We must accept that improved signage may also reduce ticket revenues.

Thank you for the opportunity to address the committee. We look forward to speaking with you more about these issues.

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